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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,513	09/01/1999	KIYOSHI TOYODA	P18445.P04	2687

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EXAMINER

PARK, CHAN S

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/387,513

Applicant(s)

TOYODA, KIYOSHI

Examiner

CHAN S PARK

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 3 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/1/99 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/387513.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Fig. 1, 18. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Applicant is required to submit a proposed drawing correction in reply to this Office action.
2. The drawings are objected to because in Fig. 15, ST1502, the applicant misspelled the "same." A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: repetition of the same paragraph on page 6, lines 10-21; a misspelled word "name" on page 11, line 22; and a grammatically incorrect sentence structure on page 25, lines 12-15.

Appropriate correction is required.

Claim Objections

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4. Claims 3 and 12 are objected to because of the following informalities: a grammatically incorrect sentence structure in claim 3 and a misspelled word "and" in claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12 is rejected under 35 U.S.C. 102(e) as being anticipated by Ohto U.S. Patent No. 5,864,673.

Referring to claims 1 and 9-11, The Ohto reference discloses an image communication apparatus and a server apparatus (terminal device 501) comprising: a capability information storing section for storing at least one of a mail address of a communication apparatus and a telephone number thereof in association with capability (col. 20 lines 15-29); capability obtaining means (media attribute) for making inquiry to the other server apparatus so as to obtain capability information in accordance with the other server when inquiry about capability which a destination possesses is made to one server apparatus and said one server apparatus has no capability information of said destination; and capability registering means for registering capability information

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obtained from said other server apparatus to said one server apparatus (col. 4, lines 11-33 & fig. 15). Furthermore, the terminal device clearly discloses all the limitations of a claimed server, which dynamically inquires, obtains, and registers the capability information of destination terminals (col. 5, lines 45-62).

Referring to claim 2, the Ohto further reference discloses a terminal device incorporating a server connected to an image communication apparatus (fig. 15). The figure discloses all the limitation of the claimed server and a transmission unit that serves as the claimed image communication apparatus. Furthermore, fig. 5 shows each terminal devices being connected to the higher hierarchy communication network, which can be the claimed global network like WAN. It should also be noted that Ohto's primary object of the invention is to improve or provide a terminal device for use in a data or image data communication over LAN and WAN connections (col. 1, lines 12-20 & col. 2, lines 46-50).

Referring to claim 3, as noted above, the Ohto reference shows the network connections being the Internet. It discloses one of a plurality of recipients or destinations of image data being one of a plurality of capability servers, which spreads and manages capabilities of a communication apparatus connectable to the Internet (fig. 15 & fig. 18).

Referring to claim 4, the Ohto reference further discloses a claimed DNS capability server (terminal device 501), which manages the capability information (media attribute information) of the communication apparatus in association with a mail address of said communication apparatus (col. 18, lines 1-38).

Referring to claim 5, the Ohto reference discloses an image communication apparatus according to claim 1, wherein said capability obtaining means makes inquiry about the capability to said server apparatus at an image data transmitting time are so as to obtain capability information (col. 4, lines 11-55).

Referring to claims 6-8, the Ohto reference discloses an image communication apparatus further comprising: a storing section for storing a mail address of a communication apparatus (col. 9, lines 13-16); and first instructing means for instructing or periodically instructing said capability obtaining means to obtain capability information of the communication apparatus having the mail address newly stored in said storing section and when a content of said storing section is updated (col. 5, lines 45-50).

Referring to claim 12, as noted above, the Ohto reference discloses a method for registering capability of an image communication apparatus to a server apparatus, comprising the steps of: making inquiry about capability which a destination possesses to one server apparatus; obtaining capability information by making inquiry to the other server apparatus when said one server apparatus has no capability information of said destination stored; and registering said obtained capability information to said one server apparatus (col. 4, lines 11-32 & col. 5, lines 45-62).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703)305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703)305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9313 for regular communications and (703)872-9313 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4750.

Csp
ST
July 25, 2003


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600